

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

IN THE MARION CIRCUIT/SUPERIOR COURT

CAUSE NO. 490050503PL008719

STATE OF INDIANA,

Plaintiff,

v.

MATTHEW CONNER,

Defendant.

FILED

12

MAR 10 2005

Dana Ann Scheller
 CLERK OF THE
 MARION CIRCUIT COURT

CONSENT JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Defendant, Matthew Conner, hereby agree to entry of a Consent Judgment without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interest to resolve the issues raised by the State of Indiana and avoid further litigation. This Consent Judgment does not constitute an admission by the Defendant of any wrongdoing, nor shall it be construed as an abandonment by the Attorney General of his position the Defendant violated Indiana's Deceptive Consumer Sales Act. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

JURISDICTION, SCOPE OF JUDGMENT, AND ACKNOWLEDGMENTS

1) The Defendant expressly waives service of process in this matter and any objection to this Court acquiring jurisdiction and venue over the subject matter of this action and the parties hereto.

2) The Defendant acknowledges he has been advised the Attorney General's role in this matter is to serve as counsel for the State of Indiana and the State of Indiana has not given the Defendant any legal advice regarding this matter. The Defendant expressly acknowledges the State of Indiana has previously advised the Defendant to secure legal counsel prior to entering into this Consent Judgment for any legal advice the Defendant requires.

3) The State of Indiana's Complaint for Injunction, Restitution, Costs, and Civil Penalties states a cause of action pursuant to the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*

4) The Defendant, Matthew Conner, has previously engaged in the sale of goods via the Internet from his home in Marion County.

RELIEF ORDERED

5) The Defendant, Matthew Conner, is permanently enjoined from engaging in the following acts and making, causing to be made, or permitting to be made the following representations:

- a. representing either orally or in writing the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or reasonably should know it does not have;
- b. representing either orally or in writing the subject of a consumer transaction will be supplied to the public in greater quantity than the Defendant intends or reasonably expects, when the Defendant knows or reasonably should know it will not;

- c. representing expressly or by implication the subject of a consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the Defendant knows or reasonably should know the representation is false;
- d. representing either orally or in writing the Defendant is able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when he knows or reasonably should know he can not; and
- e. representing either orally or in writing that the consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendant, when he does not intend to sell it.

6) The contracts previously entered into by the Defendant with consumers Samuella Jean, Kathryn Canino, Lynette Mincks, Karen Vandevander, Tyshon Daniel, Kenny Khuu, Kent Liebermann, Lori Stackhouse, Robert Alex Jackson, Rene Castro-Leon, Ronald Heller, Shawn Overton, Curtis Sloan, Sherry Thrash, Randall Traylor, Chad Fisher, Michael Ortega, Douglas Harper, and William Tuell are cancelled pursuant to Ind. Code § 24-5-0.5-4(d).

7) The Defendant shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2) in the total amount of Three Thousand Two Hundred Sixty-One Dollars and Seventy-Six Cents (\$3,261.76), payable to the Office of the Attorney General for allocation and distribution to the following consumers in the following amounts:

a)	Samuella Jean of Palm Beach, California	\$ 12.99
b)	Kathryn Canino of Charleston, South Carolina	\$ 50.50
c)	Lynette Mincks of Midland, South Dakota	\$ 220.00
d)	Karen Vandevander of Manassas, Virginia	\$ 190.00

e)	Tyshon Daniel of Asbury Park, New Jersey	\$ 64.50
f)	Kenny Khuu of Garden Grove, California	\$ 53.53
g)	Kent Liebermann of Joliet, Illinois	\$ 330.00
h)	Lori Stackhouse of Gibsonia, Pennsylvania	\$ 45.04
i)	Robert Alex Jackson of Saint Pauls, North Carolina	\$ 340.00
j)	Rene Castro-Leon of San Bruno, California	\$ 19.50
k)	Ronald Heller of Southfield, Michigan	\$ 48.45
l)	Shawn Overton of Shawnee, Kansas	\$ 34.50
m)	Curtis Sloan of Center Point, Iowa	\$ 855.68
n)	Sherry Thrash of Westminster, Colorado	\$ 338.68
o)	Randall Traylor of Salem, Virginia	\$ 47.45
p)	Chad Fisher of Huntington, West Virginia	\$ 30.70
q)	Michael Ortega of Kingsville, Texas	\$ 29.75
r)	Douglas Harper of Indianapolis, Indiana	\$ 50.49; and
s)	William Tuell of Mauckport, Indiana	\$ 500.00.

8) The Defendant shall pay the Office of the Attorney General, pursuant to Ind. Code § 24-5-0.5-4(c)(3), the amount of Five Hundred Dollars (\$500.00), representing the Plaintiff's costs of investigating and prosecuting this action.

9) The Defendant shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) and Ind. Code § 24-5-0.5-8 for the Defendant's knowing and intentional violations of the Deceptive Consumer Sales Act, in the amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00), payable to the State of Indiana;

For a total monetary judgment in the amount of Twenty-Six Thousand Two Hundred and Sixty-One Dollars and Seventy-Six Cents (\$26,261.76).

CONTINUING JURISDICTION

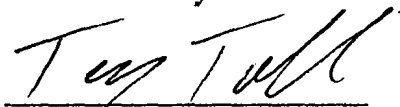
10) For the purpose of enforcing the provisions of this Consent Judgment, any subsequent Court obtaining jurisdiction over the Defendant based on a complaint alleging a violation of any law that is the subject of this Consent Judgment may take judicial notice of this Judgment and is deemed to be a proper venue for interpretation and enforcement of this agreement. The Defendant waives any objection regarding a Court's jurisdiction to punish for contempt and agrees to appear upon proper notice of a failure to comply with any of the provisions of this Judgment.

IN WITNESS WHEREOF, the parties have executed this Consent Judgment this
28 day of Feb., 2005.

STATE OF INDIANA
STEVE CARTER
Indiana Attorney General



MATTHEW CONNER

by:


Terry Tolliver
Deputy Attorney General
Attorney No. 22556-49

ALL OF WHICH IS APPROVED, ORDERED, ADJUDGED AND DECREED this
____ day of _____, 2005.

MAR 10 2005



Judge, Marion Circuit/Superior Court

Distribution:

Terry Tolliver
Office of the Attorney General
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402 W. Washington St.
Indianapolis, IN 46204

Matthew Conner
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